

SENATE BILL 685

K2

11r2443
CF 11r1008

By: **Senators Astle, Klausmeier, Mathias, Muse, and Pipkin**

Introduced and read first time: February 4, 2011

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Unemployment Insurance – Messenger Service Drivers – Delivery**

3 FOR the purpose of authorizing certain messenger service drivers whose work is not
4 covered employment under unemployment insurance law to deliver certain
5 items and use certain methods of delivery; and generally relating to the delivery
6 of certain items by messenger service drivers under unemployment insurance
7 law.

8 BY repealing and reenacting, with amendments,
9 Article – Labor and Employment
10 Section 8–206(d)
11 Annotated Code of Maryland
12 (2008 Replacement Volume and 2010 Supplement)

13 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
14 MARYLAND, That the Laws of Maryland read as follows:

15 **Article – Labor and Employment**

16 8–206.

17 (d) **(1)** Work that a messenger service driver performs for a person who is
18 engaged in the messenger service business is not covered employment if the Secretary
19 is satisfied that:

20 **[(1)] (I)** the driver and the person who is engaged in the
21 messenger service business have entered into a written agreement that is currently in
22 effect;

23 **[(2)] (II)** the driver personally provides the vehicle;

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 [(3) (III)] compensation is by commission only;

2 [(4) (IV)] the driver may set personal work hours; and

3 [(5) (V)] the written agreement states expressly and
4 prominently that the driver knows:

5 [(i)] 1. of the responsibility to pay estimated Social
6 Security taxes and State and federal income taxes;

7 [(ii)] 2. that the Social Security tax the driver must pay
8 is higher than the Social Security tax the driver would pay otherwise; and

9 [(iii)] 3. that the work is not covered employment.

10 **(2) A MESSENGER SERVICE DRIVER WHOSE WORK IS NOT**
11 **COVERED EMPLOYMENT UNDER PARAGRAPH (1) OF THIS SUBSECTION MAY**
12 **DELIVER INDIVIDUALLY ADDRESSED MAIL, MESSAGES, DOCUMENTS IN PAPER**
13 **OR MAGNETIC FORMAT, SUPPLIES, RECORDS, PARCELS, OR OTHER OBJECTS TO**
14 **THE PUBLIC OR COMMERCIAL ESTABLISHMENTS ON FOOT, BY BICYCLE, OR BY**
15 **MOTOR VEHICLE.**

16 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
17 June 1, 2011.